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20 Attorneys for Plaintiffs James Blais and Gail Blais

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

JAMES BLAIS and GAIL BLAIS, )  
 ) NO. 20-CV-00187-SMJ  
 Plaintiffs, )  
 ) PLAINTIFFS' NOTICE  
 vs. ) REGARDING CLASS  
 ) CERTIFICATION MOTION  
 ROSS HUNTER, in his official )  
 capacity of Secretary of Washington )  
 State Department of Children, Youth )  
 and Families, )  
 )  
 Defendant. )  
 \_\_\_\_\_ )

Plaintiffs James and Gail Blais provide notice to the Court that they no longer intend to file a motion for class certification pursuant to Federal Rule of Civil Procedure 23.

Plaintiffs filed their original complaint for declaratory and injunctive relief in May 2020. Plaintiffs filed their first amended complaint for preliminary and permanent injunction on July 6, 2020 before Defendant filed any responsive

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1 pleading. The amended complaint did not contain any class action allegations or  
2 any request for the Court to certify a class.

3 After a hearing on September 22, 2020, the Court entered its Order Granting  
4 in Part and Denying in Part Plaintiffs' Motion for Preliminary and Permanent  
5 Injunction. [ECF No. 56]. As part of its ruling, the Court expressly enjoined the  
6 Washington Department of Children, Youth, and Families from using Policy 6900  
7 and any other Department policy or guidance in a manner inconsistent with the  
8 Court's ruling. Based on that ruling, along with the evidence Defendant presented  
9 in opposing the motion, Plaintiffs' moved this Court for leave to file a second  
10 amended complaint adding allegations to support a claim for class certification. The  
11 Court granted that motion [ECF No. 71], and Plaintiffs timely filed their second  
12 amended complaint on December 9, 2020. [ECF No. 72].

13 Since that time, Plaintiffs diligently have pursued written discovery to gather  
14 additional evidence to support a class certification motion. Based upon the  
15 discovery materials provided by Defendant and other factors, Plaintiffs have decided  
16 not to file a motion for class certification.

17 Plaintiffs' counsel conferred in good faith with opposing counsel, who does  
18 not oppose this notice. The Parties also conferred pursuant to LCivR 7(b)(2)

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1 regarding the scheduling order, and contemporaneously are filing a joint motion to  
2 revise that order.

3 RESPECTFULLY SUBMITTED this 2<sup>nd</sup> day of February, 2021.

4 s/ Jerome R. Aiken.

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**CERTIFICATE OF TRANSMITTAL**

I hereby certify under penalty of perjury of the laws of the state of Washington that on February 2, 2021, I electronically filed the foregoing document with the Clerk of the Court using the CM/ECF System which will automatically provide service on the below listed parties:

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